

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4054 OF 2002

Kum.Shruti Shridhar Uplap .. Petitioner
V/s

State of Maharashtra & Ors. .. Respondent

Mr.Y.S.Jahagirdar, Senior Advocate with Mr.R.K.Mendadkar
for the Petitioner.

Mr.C.R.Sonawane, AGP for the Respondent.

**CORAM: DR.S.RADHAKRISHNAN &
R.S.MOHITE, JJ.**

DATE : 09.12.2005.

P.C.:

1. Heard the learned Senior Counsel for the Petitioner and the learned AGP for the Respondent. By this Petition the Petitioner is challenging an order passed by the Committee for Scrutiny and Verification of Tribe Claims, Pune, dated 19th April, 2002 invalidating the claim of the Petitioner to be of Mannerwarlu Scheduled Tribe.

2. The learned Senior Counsel Mr.Y.S.Jahagirdar appearing on behalf of the Petitioner has strongly contended that the aforesaid Committee has not properly analysed the three vital documents, which were shown to the Committee in support of the Petitioner's tribe claim, being the documents at serial number 3 and 8 as stated in the impugned order, viz.the service discharge certificate of the Petitioner's uncle Shri.Bhimashankar Irranna Uplap issued by the General Manager, Ordnance Factory Ambernath wherein the caste is mentioned as Mannerwarulu, and the caste certificate of the Petitioner's uncle Shri.Bhimashankar Irranna Uplap issued by the Tahsildar & Executive Magistrate, Salapur

wherein the caste is mentioned as Mannerwarlu. The learned Counsel for the Petitioner has contended that the third document which was not properly analysed & considered by the Committee is the death certificate of the Petitioner's paternal cousin's grand-father Govind Piraji Uplap, as referred to in the Enquiry Report of the Vigilance Cell, wherein the caste is shown as Mannerwarlu.

3. Over and above, the learned Counsel for the Petitioner has submitted that the Committee while dealing with knowledge & information given by the Petitioner about the traits, traditions and customs of the Mannerwarlu, has stated that the said knowledge is bookish knowledge. The approach of the Committee appears to be incorrect. If the candidate was to correctly answer the questions, then it cannot be rejected on the ground that the answers were based on bookish knowledge.

4. Under the aforesaid facts and circumstances, in the larger interest of justice, we feel that it would be just and appropriate if the matter is remanded back to the said Committee for considering the entire claim of the Petitioner afresh, specially in the light of the aforesaid three documents, and also in the light of the knowledge & information given by the Petitioner about the traits, traditions and customs of the Mannerwarlu. The impugned order dated 19th April, 2002 is therefore quashed and set aside and the matter is remanded back to the Committee for Scrutiny and Verification of Tribe Claims, Pune.

5. The learned Counsel for the Petitioner states that the Petitioner will remain personally present before the said Committee on 26.12.2005 to enable the Committee to fix the schedule of hearing. The Committee shall expedite and dispose of the claim of the Petitioner after affording an opportunity of personal hearing to the Petitioner, preferrably within a period of four months thereafter. Rule is accordingly made absolute, however with no order as to costs.

(DR.S.RADHAKRISHNAN, J.)

(R.S.MOHITE, J.)